

RECEIVED
IN LAKE CHARLES, LA

AUG 31 2006

am
ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS
HOLDING, INC, ET AL

: DOCKET NO. 04-1150

VS.

: JUDGE TRIMBLE

TOTAL CONTAINMENT, INC., ET
AL

: MAGISTRATE JUDGE WILSON

JUDGMENT

Pursuant to the Memorandum Ruling of this date,

IT IS ORDERED, ADJUDGED AND DECREED that the motion for summary judgment filed by National Union Fire Insurance Company of Pittsburgh, Pa. to dismiss Plaintiffs' claims as time-barred (doc. #443) is hereby **GRANTED** to the extent that all claims for injuries that occurred prior to August 15, 2002 have prescribed and are dismissed.

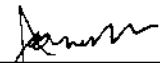
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion for summary judgment filed by National Union Fire Insurance Company of Pittsburgh, Pa. to dismiss Plaintiffs' claim as barred by the economic loss rule (doc. #443) is hereby **GRANTED IN PART** to the extent that the claims for injuries that occurred in Texas are dismissed except for damages to other property including land contamination in Texas, and **DENIED IN PART** to the extent that injuries that occurred in Louisiana are governed by Louisiana law and the economic loss rule is not applicable.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion for summary judgment filed by National Union Fire Insurance Company of Pittsburgh, Pa. (Doc. #451)

to dismiss Brookshire Brothers' claims is hereby **GRANTED** to the extent that National Union's policies exclude coverage for damage to property.

The Court expressly determines that there is no just reason for delay and directs entry of judgment under rule 54(b) of the Federal Rules of Civil Procedure.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 31st day of August, 2006.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE